UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,666	12/28/2000	Frank Liebenow	257/020	4510

30408 7590 08/26/2004

GATEWAY, INC.
ATTN: SCOTT CHARLES RICHARDSON
610 GATEWAY DR., Y-04
N. SIOUX CITY, SD 57049

EXAMINER	
STRANGE, AARON N	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/752,666	LIEBENOW, FRANK	
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/3/2004 have been fully considered but they are not persuasive.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. Applicant has failed to adequately address the combination of Mantha and Matoyama as applied to claim 1. Mantha discloses receiving, with a client, data from a network in a distributed system and storing the data. Motoyama teaches a method of creating a temporary storage my adding an "expiration date" parameter to a stored file. One of ordinary skill in the art would have been motivated by Motoyama to add an expiration date to the data being downloaded by Mantha as a means of causing it to automatically erase after a time period chosen by the user. This could serve many purposes such as reducing the usage of temporary storage space or automatic removal of old data to ensure all cached data is current. The combination of Mantha and Motoyama, as discussed above and in the prior Office action, disclose the invention as claimed in claim 1.

4. With regard to Applicant's assertion that the Mantha reference fails to teach temporary storage and is contrary to the requirement in claim 2 that the "received data is stored in a memory space accessible by the client as cache",

Applicant has failed to consider the combination of Mantha and Motoyama. By adding the expiration date taught by Motoyama, the storage disclosed by Mantha becomes both "temporary storage" and cache. Since the data is given an expiration date, it is temporarily stored and since the temporary storage is accessed to retrieve subsequent requests for the data, it is cache.

5. With regard to Applicant's assertion that Motoyama teaches away from "temporary storage", the Examiner respectfully disagrees. Applicant's citation of Col 5, Lines 58-60 of Motoyama is incorrect. In Col 5, Lines 58-60, Motoyama states "Some data may not be erased at all and *may* reside on non-volatile storage devices 200 and 202 indefinitely" (emphasis added). The term "may" only shows that permanent storage of the data is an option, giving the user the ability to specify any expiration date ranging from immediately to never.

6. With regard to Applicant's assertion that Mantha fails to teach that the specifying step is carried out in real time, Applicant has failed to consider the combination of Mantha and Motoyama. Once the client is allowed to specify an expiration date for the downloaded data, it would have been advantageous to specify it in real time. Mantha discloses a dialog box which collects several different pieces of information about the file as it is saved (Fig 5C and Col 8, Lines 40-51). It would have been advantageous to have the user to specify the expiration date at the same time as the other information about the downloaded data since it would speed up the process for saving the page, as opposed to requiring an additional step where the user has to specify the expiration date after the page has already been saved. Applicant's argument that the user does

not need to recognize the minimum length of time on an ongoing basis is unclear. In order for the client to specify an expiration date for each piece of downloaded data, the client must do so on an ongoing basis. Since the expiration date must be collected for each data item to be stored on a temporary basis, it would be advantageous to collect it at the same time as other information pertinent to that data, such as the name and category information, which is collected in real time.

7. Applicant's arguments with respect to claims 12-14 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

8. Claim 14 is objected to because of the following informalities: There appears to be a typographical error "specified by entry" in lines 3-4. The Office recommends that the claim be amended to recite "specified by an entry".

9. Claim 20 is objected to because of the following informalities: There appears to be a typographical error "specified being specified at" in line 7. The Office recommends that the claim be amended to recite "being specified at".

10. Appropriate correction is required.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A 0patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948).

13. With regard to claim 1, Mantha et al. disclose receiving, with a client, data from a network in a distributed system (Web page is accessed) (Col 8, Lines 28-39); and storing temporarily at least a portion of the received data (Page is copied to local hard drive)(Col 9, Lines 15-18). Mantha et al. fail to disclose specifying with said client a minimum length of time during which the received data is to be temporarily stored.

Motoyama et al. teach the use of an expiration date to specify a time when a file should be considered invalid or unusable, and subsequently erase it after the expiration date has passed (Col 5, Lines 47-60). This is particularly advantageous since it allows the removal of old data from storage, reducing the amount of storage space needed to hold the temporary data. It also helps by removing unwanted files, making it easier for the user to find particular files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user of the system disclosed by

Mantha et al. to specify, with the client, a minimum length of time to store the received data. This allows the system to clean up unwanted files by removing them after they expire. This saves storage space and makes it easier for the user to find particular files at a later time.

14. With regard to claim 2, Mantha et al. further disclose that the received data is stored in a memory space accessible by the client as cache (Subsequent requests for the saved page pull the page from the local hard drive)(Col 12, Lines 30-35).

15. With regard to claim 3, Mantha et al. further disclose that the received data is stored in non-volatile memory (Local hard drive)(Col 9, Lines 15-18).

16. With regard to claim 4, Mantha et al. further disclose that the receiving step is via the Internet (Col 4, Lines 12-16).

17. With regard to claim 5, Mantha et al. further disclose that the receiving step comprises retrieving data of a Web page (Col 8, Lines 28-39).

18. With regard to claim 6, Mantha et al. further disclose that the temporarily stored data comprises data in text, graphics, sound, video, or applet format (Col 9, Lines 50-58).

19. With regard to claim 7, Mantha et al. further disclose the step of designating, with said client, that the received data be temporarily stored, wherein the designating step includes a step of presenting a user with a window for user input (Window for page allows user to specify what action to take with the current page)(Col 8, Lines 22-26).

20. With regard to claim 8, while the invention disclosed by Mantha et al. in view of Motoyama et al. shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the specifying step is carried out by the user in real time.

However, Mantha et al. disclose that properties such as the name and category of the page to be stored are collected from the user in real time (Col 8, Lines 40-51). It would be advantageous to have the user specify a minimum length of time to store the received data at the same time as the name and category information. This would simplify and speed up the process of collecting the information and saving the page.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the specifying step be carried out in real time with the collection of the name and category information for the page. This would simplify the collection of this information and speed up the process of saving the page.

21. With regard to claim 10, Motoyama et al. further disclose the step of deleting the data after the specified minimum length of time (Col 5, Lines 53-55).

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948), in further view of Lambert et al. (US 6.038,601).

23. With regard to claim 9, while the invention disclosed by Mantha et al. v in view of Motoyama et al. shows substantial features of the claimed invention

(discussed above), it fails to disclose the step of reading an instruction provided with the received data, wherein the instruction indicates that the received data should be temporarily stored.

Lambert et al. teach the use of HTML tags to store meta-data, controlling how machines reading the pages cache them (Col 11, Line 1 to Col 12, Line 35). This allows the site administrators of various sites to specify how a caching machine should treat their pages. Parameters such as expiration dates can be set by the administrator to ensure that clients are receiving the most current version of the site. It would be advantageous for the client disclosed by Mantha et al. in view of Motoyama et al. to support this feature in order to allow site administrators to specify some of the parameters, particularly for inexperienced users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the client to support reading an instruction provided with the received data, wherein the instruction indicates that the received data should be temporarily stored. This allows site administrators to specify which pages should be stored, as well as parameters regarding their storage, such as expiration dates.

24. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948), in further view of Pirolli et al (US 6,098,064).

25. With regard to claim 11, while the invention disclosed by Mantha et al. in view of Motoyama et al. shows substantial features of the claimed invention (discussed above), it fails to disclose that the data is a first Web page containing a hyperlink to a second Web page and the storing step includes storing data of the second Web page.

Pirolli et al. disclose that pre-fetching of web ages is known in the art as a means for caching a Web before it is requested by the client, in anticipation that it will likely be requested in the future. Pages that are hyperlinked to other pages are often related. The user will often follow the hyperlink to see the related information. In the case of a cached page containing hyperlinks, it would be advantageous to further cache the pages linked to by the main page to be cached. This would allow the user to access the hyperlinks without requiring them to go online and access information that has potentially changed or may no longer be available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the client also store data of Web pages which are listed as hyperlinks in the main Web page to be cached. Since the hyperlinks likely point to relevant information, this will ensure that the user will have access to the pages as they were at the time the main page was cached. This eliminates any problems which may result from the hyperlinked pages going offline or being modified.

26. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et al. (US 6,163,779) in view of Motoyama et al. (US 6,304,948), in further view of Baugher et al. (US 5,819,043).

27. With regard to claim 12, Mantha et al. disclose a method comprising: browsing at a client in order to locate Web page data (User accesses a Web page) (Col 8, Lines 28-29); and storing said Web page data temporarily in a cache (Page is copied to local hard drive via Save operation) (Col 8, Line 40 to Col 9, Line 14). However, Mantha et al. fail to disclose at the client, entering a user specified time and after said user specified time period, deleting said Web page data from said cache.

Motoyama et al. teach the use of an expiration date to specify a time when a file should be considered invalid or unusable, and subsequently erase it after the expiration date has passed (Motoyama, Col 5, Lines 47-60).

Using an expiration time for the saved web page data and deleting the saved web page data after the expiration time has passed would be advantageous since it allows the removal of old data from storage, reducing the amount of storage space needed to hold the temporary data. It also helps by removing unwanted files, making it easier for the user to find particular files.

Baugher et al. teach advantages of allowing the user to manually control a system to optimize the performance of the system, most importantly that a human being is the most adaptable control means yet devised (Baugher, Col 3, Lines 1-16).

Allowing the user, at the client, to specify the expiration time taught by Motoyama et al. would have been further advantageous since it allows the user to adjust the length of time that the data is stored to account for external parameters such as the importance or sensitivity of the data. It is very difficult for a machine to quantify parameters such as importance of data without human input, so allowing the user to specify the expiration time gives much more flexible control of the expiration times.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user of the system disclosed by Mantha et al. to specify, with the client, a minimum length of time to store the received data and subsequently delete the data from the cache when the expiration time has passed. This allows the user to set different expiration times depending on external factors such as importance of the data and allows the system to clean up unwanted files by removing them after they expire. This saves storage space and makes it easier for the user to find particular files at a later time.

28. With regard to claim 13, Motoyama et al. further disclose that the data is deleted after the expiration date, thus conserving cache storage space (Col 5, Lines 53-55). Mantha et al. further disclose that the data is stored to ensure that the user may retrieve the data within the user specified time period (Col 1, Line 66 to Col 2, Line 2).

29. With regard to claim 14, Mantha et al. disclose a client comprising: a central processing unit (Col 6, Lines 42-45); an input device coupled to said

central processing unit (keyboard and/or remote) (Col 6, Lines 30-39); an output device coupled to said central processing unit (monitor/television) (Col 6, Lines 52-55); and a memory space operatively coupled to said central processing unit for storing data (hard drive) (Col 7, Lines 13-15), the client being configured to temporarily store data downloaded from a network (Col 1, Lines 62-65). Mantha et al. fail to disclose that the data is stored for a user specified minimum period of time, after which period of time the stored data is subject to automatic deletion, said user specified minimum period of time specified by entry made at said input device.

Motoyama et al. teach the use of an expiration date to specify a time when a file should be considered invalid or unusable, and subsequently erase it after the expiration date has passed (Motoyama, Col 5, Lines 47-60).

Using an expiration time for the saved web page data and deleting the saved web page data after the expiration time has passed would be advantageous since it allows the removal of old data from storage, reducing the amount of storage space needed to hold the temporary data. It also helps by removing unwanted files, making it easier for the user to find particular files.

Baugher et al. teach advantages of allowing the user to manually control a system to optimize the performance of the system, most importantly that a human being is the most adaptable control means yet devised (Baugher, Col 3, Lines 1-16).

Allowing the user, at the client, to specify the expiration time taught by Motoyama et al. would have been further advantageous since it allows the user

to adjust the length of time that the data is stored to account for external parameters such as the importance or sensitivity of the data. It is very difficult for a machine to quantify parameters such as importance of data without human input, so allowing the user to specify the expiration time gives much more flexible control of the expiration times.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user of the system disclosed by Mantha et al. to specify, with the client, a minimum length of time to store the received data and subsequently delete the data from the cache when the expiration time has passed. This allows the user to set different expiration times depending on external factors such as importance of the data and allows the system to clean up unwanted files by removing them after they expire. This saves storage space and makes it easier for the user to find particular files at a later time.

30. With regard to claim 15, Mantha et al. further disclose that the memory space is a cache memory space (Subsequent requests for the saved page pull the page from the local hard drive)(Col 12, Lines 30-35).

31. With regard to claim 16, Mantha et al. further disclose that the memory space is a nonvolatile memory (Local hard drive)(Col 9, Lines 15-18).

32. With regard to claim 17, while the invention disclosed by Mantha et al. in view of Motoyama et al. shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the client is configured to respond to a user request to display information about the stored data.

However, Mantha et al. in view of Motoyama et al. disclose that the client is configured to set certain properties with regard to the stored data at the time it is copied. These properties include setting a name, category, (Mantha et al. Col 8, Lines 40-51), and expiration date (Motoyama et al. Col 5, Lines 53-55) for the file. It would be advantageous for the user to have the ability to retrieve this information at a later time, in order to determine when the page is scheduled to expire or which category it is located in. It would also give the user an opportunity to make changes to the information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the client in the system disclosed by Mantha et al. in view of Motoyama et al. to respond to a user request to display information about the stored data. This gives the user the ability to retrieve important information about a file, such as the expiration date, without requiring them to remember it from when the data was stored.

33. With regard to claim 18, while the invention disclosed by Mantha et al. in view of Motoyama et al. shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the client is configured to respond to a user request to modify a property of the stored data.

However, Mantha et al. in view of Motoyama et al. disclose that the client is configured to set certain properties with regard to the stored data at the time it is copied. These properties include setting a name, category, (Mantha et al. Col 8, Lines 40-51), and expiration date (Motoyama et al. Col 5, Lines 53-55) for the file. It would be advantageous for the user to have the ability to modify these

properties, in order to change the expiration date of a page or place the page in a new category. For example, in the case of modifying the expiration date, it would allow the user to ensure that the previously cached copy is saved until the new expiration date. This would be particularly important if the live version of the page has changed or is no longer available.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the client in the system disclosed by Mantha et al. in view of Motoyama et al. to respond to a user request to display information about the stored data. This gives the user the ability to modify important properties of a file, such as the expiration date, ensuring that the cached page is kept as long as the user desires it.

34. With regard to claim 19, Mantha et al. further disclose that the stored data is data from one or more Web site images (Col 9, Lines 50-58)

35. With regard to claim 20, Mantha et al. disclose a system comprising: a client configured to temporarily store data from a server (Col 1, Lines 62-65), to provide user access when said data is not available form said server (Col 1, Line 66 to Col 2, Line 2). Mantha et al. fail to disclose that the data is stored for a user-specified minimum period of time, or that the client is further configured to delete said data after expiration of said user-specified minimum period of time, to recover memory space over time, said user-specified minimum period of time specified being specified at the client.

Motoyama et al. teach the use of an expiration date to specify a time when a file should be considered invalid or unusable, and subsequently erase it after the expiration date has passed (Motoyama, Col 5, Lines 47-60).

Using an expiration time for the saved web page data and deleting the saved web page data after the expiration time has passed would be advantageous since it allows the removal of old data from storage, reducing the amount of storage space needed to hold the temporary data. It also helps by removing unwanted files, making it easier for the user to find particular files.

Baugher et al. teach advantages of allowing the user to manually control a system to optimize the performance of the system, most importantly that a human being is the most adaptable control means yet devised (Baugher, Col 3, Lines 1-16).

Allowing the user, at the client, to specify the expiration time taught by Motoyama et al. would have been further advantageous since it allows the user to adjust the length of time that the data is stored to account for external parameters such as the importance or sensitivity of the data. It is very difficult for a machine to quantify parameters such as importance of data without human input, so allowing the user to specify the expiration time gives much more flexible control of the expiration times.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user of the system disclosed by Mantha et al. to specify, with the client, a minimum length of time to store the received data and subsequently delete the data from the cache when the

expiration time has passed. This allows the user to set different expiration times depending on external factors such as importance of the data and allows the system to clean up unwanted files by removing them after they expire. This saves storage space and makes it easier for the user to find particular files at a later time.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 703-305-8878. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANS 8/23/2004

Dung C. Dinh
Primary Examiner